

REMARKS

Claims 22-31 have been added, such that upon entry of the amendment, claims 1-31 will be all the claims pending in the application.

Anticipation Rejection

Claims 1-21 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Nishio et al. (EP 853 132 A1) ("EP '132").

The Examiner's Position

The Examiner basic position is the same as that set forth previously, and will not be repeated here for purposes of brevity.

Further, the Examiner asserts that the feature upon which Applicant relies (i.e., the amount of Na contained in the substrate) is not recited in the rejected claims.

In addition, the Examiner indicates that "Fundamentals of Aluminum Materials and Industrial Technology" submitted on April 10, 2006 has not been considered "because said reference is not listed on the appropriate form, PTO-1449 or PTO/SB/08," and "the English translation of said reference is not a sworn translation." See page 5, 1st full paragraph of the Office Action.

Applicants' Response

Initially, Applicants note that they previously submitted a copy of the relevant pages and the English translation of the marked portion of "Fundamentals of Aluminum Materials and Industrial Technology" to show that it is known in the art that an aluminum plate, which is

manufactured by a method including molten metal treatment (which is recited in the amended claims), inherently does not contain the sodium element. That is, this document was only submitted as supporting evidence, for the purposes of verification. Therefore, Applicants should not be required to list such document in an Information Disclosure Statement. See MPEP 609.05(c). Nevertheless, to resolve this issue, Applicants submit herewith an Information Disclosure Statement listing the document.

Further, while Applicants disagree with the Examiner's position requiring a sworn English translation of the document (Applicants note that MPEP 609.04(a)III. indicates that there is no requirement that a translation be verified in connection with the submission of a foreign language document in an IDS, so it would seem that a sworn translation would not be needed in this situation either), Applicants submit herewith a verified English translation of the portions of the document relied upon by Applicants to resolve this issue.

With respect to the Examiner's assertion that the feature upon which Applicant relies (i.e., the amount of Na contained in the substrate) is not recited in the rejected claims, as set forth above, this feature is an inherent property of the presently claimed aluminum plate in view of the recitation that the plate is manufactured by a method including molten metal treatment. There is no requirement that an inherent property be explicitly recited in a claim. That is, the Examiner must consider the effect on the plate of the requirement in the claims that the plate is manufactured by a method including molten metal treatment.

In further regard to the Examiner's opinion such that "the features upon which the applicant relies (i.e., the amount of Na contained in the substrate) are not recited in the rejected

claims(s)," Applicants submit that Na is not usually contained in an aluminum plate manufactured by a method including a molten metal treatment, and even if assuming that the support according to the present invention manufactured by a method including a molten metal treatment contains Na as one of unavoidable impurities, the amount of Na must be much less than that of Nishio (0.005-0.040 wt%).

Moreover, since Nishio teaches that the sodium content of its invention can, e.g., prevent occurrence of stains on the support (see, e.g., page 3, lines 2-3 in Nishio), Nishio teaches away from an embodiment which does not contain the Nishio sodium content (since one would not want stains to occur), and thus Nishio teaches away from the present invention, in which the plate is manufactured by a method including molten metal treatment and thus does not meet the Nishio sodium requirement.

Thus, Applicants submit that the present invention is not anticipated by (or obvious over) Nishio, and withdrawal of this rejection is respectfully requested.

Obviousness Rejection

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sawada et al. (JP 2000-037965) ("JP '965").

The Examiner's Position

The Examiner asserts that Applicants have not shown the criticality of the Cu range.

Applicants' Response

In response to this rejection, Applicants submit herewith a sworn English translation of the description in [0009] of JP '965. Applicants submit that JP '965 defines with regard to the amount of Cu that "when the content exceeds 0.03 wt%, the resistance of a surface oxide film conversely becomes too high upon the pit formation, so that coarse pits are liable to be formed" and thus clearly excludes the range of the present invention. That is, JP '965 teaches away from the present invention.

Further, Applicants submit that the importance of the content of Cu in the present invention can be seen from the description of page 60, line 19 to page 61, line 24 and the Examples in the specification. That is, when Cu content is in the range of 0.032-0.040 wt% (corresponding to Examples 11-13 as is clear from Tables 1 and 2), the printing plate becomes excellent in press life (cleaner press life), scratch resistance and fatigue failure strength (see Table 4).

With regard of new claims 22 and 23 and the claims dependent thereon, Applicants additionally submit the following.

The support according to claims 22 and 23 of the present application can be obtained by subjecting the aluminum having Cu in the amount of 0.032-0.040 wt% to nitric acid electrolytic graining and hydrochloric acid electrolytic graining in this order as the electrochemical graining treatment as described in page 76, lines 5-7 and 16-19. In this case, although coarse pits are formed by the nitric acid electrolytic graining treatment similar to JP '965, fine pits having a diameter of 0.5 μm or less (most of them being 0.2 μm or less) are superimposedly formed in the coarse pits by the hydrochloric acid electrolytic graining treatment performed thereafter. Thus,

the support having the surface property defined in the claims of the present application can be obtained. Since the hydrochloric acid electrolytic graining treatment is not performed after the nitric acid electrolytic graining treatment in JP '965, the support having the surface property defined in the claims of the present application cannot be obtained in JP '965.

Further, while scum is likely to occur when the coarse pits are present on the support surface as is in JP '965, it is possible to prevent the scum generation when the fine pits are superimposed on the coarse pits.

Furthermore, the shape of fine pits formed by the hydrochloric acid electrolytic graining treatment becomes deeper when the Cu content is large. These deep pits increase the surface area of the support, and as a result, an adhesion between the image recording layer and the support becomes stronger and the cleaner press life becomes excellent.

Applicants submit that in the present application, Examples 11-13 in which the Cu content is large and $\Delta S^{5(0.02-0.2)}$ which is an index representing the shape (deepness) of fine pits is large show the effect of the excellent clear press life described above.

In JP '965, there is no description or suggestion such that the deep-shaped pits formed by subjecting the aluminum plate having a large amount of Cu such as 0.032-0.040 wt% to the hydrochloric acid electrolytic graining treatment can realize the excellent cleaner press life. Therefore, claims 22 and 23 and the claims dependent thereon are not obvious from JP '965.

Thus, Applicants submit that the present invention is not obvious over JP '965, and withdrawal of this rejection is respectfully requested.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No. : 10/784,879

Attorney Docket No. Q78018

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

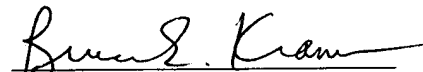
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